



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

November 12, 2021

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

| | | |
|-------------|--|--|
| Page | | <u>CEO BULLETIN & NEWSLETTERS</u> |
| | | CEO Bulletin: None |
| | | <u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u> |
| 4 | | BMR/IBMR Weekly Reports: 11/11/21 |
| 5 | | Memo from David Cahen, Risk Manager, to the Board of Directors, dated 11/03/21, regarding Risk Management Communication. |
| 17 | | Memo from Michele King, Clerk of the Board, to the Board of Directors, dated 11/3/21, regarding November 9, 2021 Agenda Item 2.9. |
| | | <u>INCOMING BOARD CORRESPONDENCE</u> |
| 23 | | Board Correspondence Weekly Report: 11/11/21 |
| 24 | | Email from Margaret Graham, to Director Varela, dated 11/7/21, regarding Well at the Corner of Vista de Lomas and Burnett Ave (C-21-0168). |
| | | <u>OUTGOING BOARD CORRESPONDENCE</u> |
| | | None. |

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

| Request | Request Date | Director | BAO/Chief | Staff | Description | 20 Days Due Date | Expected Completion Date | Disposition |
|-----------|--------------|----------|-----------|---------|--|------------------|--------------------------|-------------|
| I-21-0007 | 11/01/21 | Lezotte | Orellana | Fulcher | Provide Director LeZotte with information on what we are doing, or where we are with respect to complying with Article 5 of California Senate Bill 1383. | 11/21/21 | | |
| R-21-0006 | 11/09/21 | Hsueh | Baker | Gin | Staff is asked to provide a written response to Mr. Jim Stallman's 11/09/21 public comment question, "Please provide an update on the estimated cost for the Site Reservoir Expansion project." Mr. Stallman's email is jimstallman@gmail.com. | 11/29/21 | | |



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: November 3, 2021

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against the District.

Please find the following:

- 1) October 26, 2021 - claim confirmation letter to Jill Kirk (District 1).
- 2) November 1, 2021 – claim confirmation letter to Nan Li (District 1).

For additional information, please contact me at 408-630-2213.

DocuSigned by:

David Cahen

C7D726EAC9E4C8...
David Cahen
Risk Manager



Clean Water • Healthy Environment • Flood Protection

October 26, 2021

Jill F. Kirk
17785 Manzanita Drive
Morgan Hill, CA 95037

Re: Receipt of Claim – L2120004

Dear Ms. Kirk:

We received your claim regarding the water leak near your water meter allegedly caused by earth movement due to the Anderson Dam Seismic Retrofit project.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cahen".

David Cahen
Risk Manager





**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

| | | |
|--|---|--|
| <p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p> | Clerk of the Board's Date Stamp 10/25/21 2:57 pm | |
| | For SCVWD Use Only | |
| | Date Received: 10/25/21 2:57 | ROUTING |
| | <input type="checkbox"/> Via U.S. Mail: | <input checked="" type="checkbox"/> CEO: |
| | <input type="checkbox"/> Hand Delivered: | <input checked="" type="checkbox"/> District Counsel |
| | <input checked="" type="checkbox"/> E-mail: M King email | <input type="checkbox"/> Risk Management |
| | <input checked="" type="checkbox"/> Other: original sent by US mail to Director Varela | <input type="checkbox"/> COB |
| | <input type="checkbox"/> BOD (District #): 1 | |

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

| | | | |
|--|--|--|----------------------|
| Name of Claimant: JILL F KIRK | | | |
| Address of Claimant: 17705 MANZANITA DR. | City: MORBAN HILL | State: CA | Zip: 95037 |
| Mailing Address to Which Notices Should be Sent if Different From Above: | City: | State: | Zip: |
| Home Phone Number: | Cell Phone Number: 408-921-8308 | Work Phone Number: | |
| Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | If so, please indicate minor's date of birth: _____ Relationship to the minor: _____ | |
| Date and time of incident or loss: 10/05/2021 | Location of incident or loss (address): AS ABOVE | Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: _____ <input checked="" type="checkbox"/> No | |

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

Water leak outside near my water meter. Plumber stated most likely caused by earth movement. I live close to Anderson Lake and believe this was because of the lake being drained, especially down at my end of the lake.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following
 Page 2 of 2

In detail, describe the damage or injury (Please attach additional sheets if necessary):

Water leak from misaligned pipe.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

*Plumbing America, Gilroy, CA
408-683-2631*

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited Jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

| ITEMS | CLAIM AMOUNT |
|----------------------------|------------------|
| 1. <i>Plumbing America</i> | \$ <i>805.10</i> |
| 2. | \$ |
| 3. | \$ |
| 4. | \$ |
| TOTAL AMOUNT | \$ |

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this *17th* day of *October*, 20*21* *Jill Kirk*
 Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

Plumbing America, Inc.

11835 Columbet Ave.
 Gilroy, CA 95020
 Phone: 408-683-2631
 www.PlumbingAmerica.us
 CA Contractors License No. 496146

Invoice

| | |
|-----------|-------------|
| DATE | INVOICE NO. |
| 10/5/2021 | 100521.9 |

| |
|---|
| BILL TO |
| Jill Kirk 17785 Manzanita Drive Morgan Hill, CA 95037 |

| |
|---|
| JOB ADDRESS |
| Jill Kirk 17785 Manzanita Drive Morgan Hill, CA 95037 |

| | | |
|--------------------|----------------|----------------|
| P.O. NUMBER | TERMS | PROJECT |
| | Due on receipt | |

| DESCRIPTION | QTY | PRICE EACH | AMOUNT |
|--|-----|------------|--------|
| Service Work: Labor and material to respond to call regarding leak at water service. Expose piping and found leak. Leak caused by pipe misalignment, possibly caused by hill movement. Returned to excavate more around meter box and prep for repair. Remove and replace damaged 3/4" flanged tail piece on meter. Remove and replace approximately 3' of piping after meter to correct angle of piping. Dates of service: 9-27-21 & 9-28-21 PH/JZ. | | | |
| Service Work Labor | 3 | 160.00 | 480.00 |
| Service Work Labor / Helper | 2 | 80.00 | 160.00 |
| Service Work Material | | 165.10 | 165.10 |

| | | |
|------------------------------|--------------|----------|
| Thank you for your business. | Total | \$805.10 |
|------------------------------|--------------|----------|

A finance charge of 1 1/2 % per month (18% annual percentage rate) will be charged on all past due accounts

Insufficient Funds Returned Checks-Customer responsible to pay additional 525 fee plus bank return check service fees to Plumbing America, Inc.

*PAID
10/12/21*



Clean Water • Healthy Environment • Flood Protection

November 1, 2021

Nan Li
2235 Via Santa Elena
Morgan Hill, CA 95037

Re: Receipt of Claim – L2120005

Dear Nan Li:

We received your claim regarding the wild boars that allegedly crossed the dried lakebed to access your property causing damage to the water pipes to your drip system, plants and mulch landscaping due to the Anderson Dam Seismic Retrofit project.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

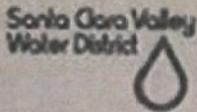
Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cahen".

C7D7266EAC9E4CB...
David Cahen
Risk Manager





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
 California Government Code Sections 900 and following
 Page 1 of 2

Clerk of the Board's Date Stamp: 11/1/21 7:30am

| | | |
|--|---|---|
| <p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95119</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p> | For SCVWD Use Only | |
| | Date Received: 11/1/21 | ROUTING |
| | <input type="checkbox"/> Via U.S. Mail: | <input checked="" type="checkbox"/> CEO: |
| | <input type="checkbox"/> Hand Delivered: | <input checked="" type="checkbox"/> District Counsel: |
| | <input checked="" type="checkbox"/> E-mail: COB | <input checked="" type="checkbox"/> Risk Management: |
| | <input type="checkbox"/> Other: _____ | <input checked="" type="checkbox"/> COB |
| | <input checked="" type="checkbox"/> BOD (District #): 1 | |

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

| | | | |
|--|--|--|----------|
| Name of Claimant: NAN LI | | | |
| Address of Claimant: 2235 VIA SANTA ELENA | | City: ↑ | State: ↑ |
| Mailing Address to Which Notices Should be Sent if Different From Above: | | City: ↑ | State: ↑ |
| | | MORGAN HILL | CA 95037 |
| Home Phone Number: | Cell Phone Number: 650-804-8054 | Work Phone Number: | |
| Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | If so, please indicate minor's date of birth: _____ Relationship to the minor: _____ | |
| Date and time of incident or loss: multiple countless times within last 6 months | Location of incident or loss (address): Front yard (2235 via Santa Elena) | Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: _____ <input checked="" type="checkbox"/> No | |

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

The draining of Anderson Lake has allowed wild bears to cross the dry lake bed and invade Borello Ranch where our house is and completely destroy our front yard.



In detail, describe the damage or injury (Please attach additional sheets if necessary):

The wild boars have broken our water pipes of our drip system, destroyed 20 plants, dug up all our mulch.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

Steven Fohn 650-861-1057
Zheng Li 719-531-7632

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited Jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?
Court Jurisdiction: (Check One)

Yes
 Limited Civil

No
 Unlimited Civil

| ITEMS | CLAIM AMOUNT |
|---------------------|-----------------|
| 1. 20 plants | \$ 3000 |
| 2. | \$ |
| 3. | \$ |
| 4. | \$ |
| TOTAL AMOUNT | \$ 3,000 |

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this

29 day of October, 2021

[Handwritten Signature]
Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.









TO: Board of Directors**FROM:** Michele King, Clerk of the Board**SUBJECT:** November 9, 2021 Agenda Item 2.9**DATE:** November 10, 2021

Please find attached comments received after the cut-off for Agenda Item 2.9. at the November 9, 2021, Board Meeting.

(Delta Conveyance Project Update)

Michelle Critchlow

From: Clerk of the Board
Subject: FW: SCVWD Agenda Comment Form

From: ifdrupaladmin@ifsight.net <ifdrupaladmin@ifsight.net>
Sent: Tuesday, November 9, 2021 1:17 PM
To: Clerk of the Board <clerkoftheboard@valleywater.org>
Subject: SCVWD Agenda Comment Form

Submitted on Tue, 11/09/2021 - 1:17 PM

Submitted values are:

Name

William L Martin

Address

124 Persia Ave
San Francisco, California. 94112

Telephone

(415) 587-5730

Email

wlmartin361@gmail.com

Board Meeting Date

2021-11-09

Agenda Item Number

Delta Conveyanc

I would like to

Express Opposition

Comment Form

Thank you. My name is Bill Martin. I'm a San Francisco resident and a customer of the San Francisco Public Utilities Commission.

In September of this year, the Commissioners organized a workshop on alternative water supplies. The City of San Diego presented at this workshop, and I was very impressed with the substantial progress the city has made in this area. As you know, the Sierra Club has always advocated for sustainable management of our natural resources, and San Diego is working hard on that, especially in the area of water recycling.

Yesterday, Mother Jones magazine published an article about San Diego's work. I found these comments on their water recycling projects very pertinent:

'...the city is breaking ground on a bigger facility, which will go live in 2025 and eventually produce 30 million gallons of water per day. Phase two, which calls for the construction of even more facilities, will eventually drive production to 83 million gallons a day. The Environmental Protection Agency is providing loans for the Pure Water project, with additional funding coming from federal and state grants.'

We know from San Diego's presentations at the workshop that they have been planning these facilities for many years. They are already paying off, and will pay off even more in the future.

Valley Water Board members, this is a challenge for you. Move Valley Water in a more sustainable direction. Use your money wisely, to build for the future. You have the opportunity to build a lasting legacy of environmental stewardship and drop this whole tunnel idea. I hope you seize it.

Thank you.

Michelle Critchlow

From: Clerk of the Board
Subject: SCVWD Agenda Comment Form

From: ifdrupaladmin@ifsight.net <ifdrupaladmin@ifsight.net>
Sent: Tuesday, November 9, 2021 3:04 PM
To: Clerk of the Board <clerkoftheboard@valleywater.org>
Subject: SCVWD Agenda Comment Form

Submitted on Tue, 11/09/2021 - 3:03 PM

Submitted values are:

Name

Katja Irvin

Address

215 S 19TH ST
SAN JOSE, California. 95116

Email

katja.irvin@sbcglobal.net

Agency, Business or Group (if applicable)

Sierra Club Loma Prieta Chapter

Board Meeting Date

2021-11-09

Agenda Item Number

2.9

I would like to

No Position--Comment Only

Comment Form

This is Katja Irvin from the Sierra Club Loma Prieta Chapter Water Committee. I would like to take this opportunity to bring up a couple of quick points about the Delta Conveyance project. Regarding the Delta tunnel, the Sierra Club, and the public, are most concerned about impacts on the Delta and San Francisco Bay natural environment and impacts on tribes and Delta communities who will be devastated due to increased temperature and salinity and decreased flows through the Delta. It's disappointing that these concerns were not specifically mentioned in today's presentation. We want Valley Water to care more about this too. We know Valley Water cares about the environment and about tribes and disadvantaged communities in the Delta, not just in Santa Clara County, but there seems to be a disconnect on this project.

That's why we suggest that you re-evaluate your Guiding Principles for Participation in Governor Newsom's Proposed Delta Conveyance Project in the near future. Specifically, Guiding Principle #1 says that "Santa Clara County needs are

the primary drivers in all our decisions involving the Governor’s Proposed Project.” However, given the impact this project will have on others we think this should somehow be altered to take the impacts on biodiversity and social equity in the Delta into account.

We also have questions related to Guiding Principle #6, which says “Any final arrangement must provide flexibility to acquire supplemental water by taking advantage of future wet years to ensure residents have a reliable water supply, no matter what extreme weather the changing climate brings.” This relates to questions we have recently asked about getting more water during years with above average water supply. We asked if Valley Water is expecting more than the current maximum deliveries under our CVP and SWP contracts, or just get closer to the maximum allowed under those contracts more often. If the District is expecting to get more, we would like to better understand what approvals are needed such as updated contracts or updated water rights. We hope these questions can be answered in the near future.

There is also Guiding Principle #8 which says “Public Engagement to be part of the Proposed Project.” We suggest it is time to do more proactive public engagement in Santa Clara County specifically about this project. Please consider having a few public workshops in 2022 as well as articles in Valley Water News, longer blogs, and u-tube videos so people can learn the basics. It’s also important to keep the website up-to-date with all the most recent documents and meetings, and links to DWR information about the project. And of course, make sure to tweet about all the outreach DWR is planning.

Thank you for considering these suggestions, for providing additional information to us regarding our questions, and for doing more local outreach with the general public.